

ATTACHMENT B Amendments to the Claims

Please cancel claims 4, 8-14, 19-21, 23, 24, 26-32, and 35 without prejudice or disclaimer.

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) An instrument for spreading at least two adjacent vertebrae and/or retaining at least two adjacent vertebrae in a spaced apart condition, comprising:

a plurality of anchor screws, each having a forward end securable to a vertebrae and a rear end remote therefrom,

a frame member comprising at least two arms, each arm having a tube at least in part encircling one of the anchor screws, and a connecting member connecting the arms for movement of the arms toward and away from each other, each arm includes a first articulated part and a second articulated part wherein each first articulated part is pivotably mounted at one end to its respective tube and at an opposite end to the respective second articulated part, each of the second articulated parts coupled to the connecting member, and a retaining structure nut for securing each of the anchor screws to its respective tube by engaging the rear end of the respective anchor screw and the respective tube in a mounted position.

2. (Currently Amended) An instrument according to claim 1, the retaining ~~structure~~ nut for each anchor screw engaging the rear end of the anchor screw and securely tightening it against the rear end of the tube.

3. (Currently Amended) An instrument according to claim 2, wherein the rear end of each anchor screw is threaded, and the retaining ~~structure comprises a threaded nut which~~ nut threadedly engages the rear end of the anchor screw.

4. (Cancelled)

5. (Currently Amended) An instrument according to claim 1, wherein the connecting member comprises ~~a connecting bar having two telescopic members, one arm connected to each of said telescopic members, such that telescopic movement of one of the telescopic members relative to the other causes the arms to move toward and away from each other~~ toothed rod and the at least two arms comprises a first arm and a second arm, the first arm fixed to the toothed rod by a hub of the respective second articulating member and the second arm slidably mounted to the connecting bar by a sleeve.

6. (Currently Amended) An instrument according to claim 5, ~~the inner of the two telescopic members being a toothed rod and the outer of the two telescopic members having~~ wherein the sleeve has a toothed wheel fixed thereto which engages

the toothed rod for moving the ~~two telescopic members relative to each other~~ sleeve relative to the toothed rod.

7. (Currently Amended) An instrument according to claim 6, ~~including wherein a releasable catch lever is mounted on the outer of the telescopic members and engaging the sleeve, the releasable catch lever engageable with teeth on the inner of the telescopic members~~ toothed rod for permitting free movement of the ~~two telescopic members~~ sleeve and toothed rod relative to each other in one direction but stopping movement of the ~~two telescopic members relative to each other~~ in the other direction.

8-21. (Cancelled)

22. (Currently Amended) An instrument for spreading at least two adjacent vertebrae and/or retaining at least two adjacent vertebrae in a spaced apart condition, comprising:

a plurality of anchor screws, each having a forward end securable to a vertebrae, and

a frame member comprising at least two arms and a connecting member operatively connecting said two arms for movement toward and away from each other, each of said arms having an engaging structure operatively engagable with one of said anchor screws, each of said arms including a first articulated part and a second articulated part and a hollow tube, the first articulated part pivotably connected to the

hollow tube and to the second articulated part, the engaging structure comprised at least in part of the hollow tube,

each arm further including a retaining structure operatively securing the engaging structure of each arm with its respective anchor screw to essentially prevent movement of that anchor screw relative to its engaging structure.

23-24. (Cancelled)

25. (Currently Amended) An instrument according to ~~claim 24, said retaining structure being~~ claim 22, further comprising:

a threaded nut engagable with a threaded part of the anchor screw.

26-32. (Cancelled)

33. (Currently Amended) An instrument according to claim 22, wherein the connecting member ~~comprising~~ comprises a connecting bar ~~having two telescopic members, one arm connected to each of said telescopic members, such that telescopic movement of one of the telescopic members relative to the other causes the arms to move towards and away from each other.~~

34. (Currently Amended) An instrument according to claim 22, ~~including~~ wherein the plurality of anchor screws is comprised of two anchor screws securable to

adjacent vertebrae, the frame member having a pair of arms, each arm having an engaging structure engaging one of said anchor screws.

35. (Cancelled)